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Single Bench

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

M.C.C.NO. 34 /2007
(F.A.NO. 07/2007)

APPLICANT

Kali Ram S/o. Shri Bihari Sahu, aged about 45 years, R/o. village Giroud, P.H. No. 73, Magar Lod Up Tahsil Magarlod, District Dhamtari (C.G.)

VERSUS

NON-APPLICANTS

1. Bihari, aged about 70 years, S/o. Latel Sau
2. Padum aged about 27 years, son of Bihari Sahu,
3. Laxmi Bai, aged about 30 years, D/o. Bihari Sahu
4. Parbhouti Bai, aged about 25 years, D/o. Bihari Sahu,
5. Binda Bai, W/o. Padum Sahu,

All are resident of village Giroud, Patwari Halka No. 73, Magarlod, Up Tahsil Magarlod, Distt. Dhamtari (CG)

6. State of Chhattisgarh through – the Collector, Dhamtari (CG)

P.R. No. 2248/07 Presented by Shri Vinay Pandey dated 19/11/07

APPLICATION FOR RESTORATION OF F.A. NO. 07/2007

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक M.C.C.No.34/ **सन्** 2007

..... **विरुद्ध** .....

आदेश का क्रमांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	25/01/2007 : Shri Vinay Pandey, counsel for the applicant. Shri Akhil Agrawal, Panel Lawyer for the State/respondent No.6. Heard. Aggrieved by the judgment and decree dated 27-09-2005 passed in Civil Suit No. 30-A/2004, the petitioner herein filed an appeal on 18-11-2005. The Registry had pointed out defaults relating to valuation of appeal and deficit Court Fees. Since this default was not removed, this matter was listed before this Court on 12-12-2006 for orders on default. On that date learned counsel for the appellant sought two weeks time to remove the default. While granting time as prayed for, it was directed that if the default was not removed within the stipulated period this appeal shall be liable to be dismissed without further reference to the Bench. Since the appellant did not remove the default within the stipulated period this appeal was dismissed on 08-01-2007. Learned counsel for the appellant has filed this application (M.C.C. No. 34/2007) for restoration on the ground that due to in-advertant mistake of the counsel the deficit Court Fees could not be paid and the valuation of appeal could not be corrected within the stipulated period. Learned counsel for the applicant prays that for the bonafide mistake of the counsel, the appellant should not be made to suffer. Considering the grounds mentioned in the application, it is directed that on deposit of cost of Rs.500/- with the High Court Legal Aid Committee, on or before 29-01-2007, the interim order passed on 08-01-2007 shall be recalled. It is further directed that the appellant shall thereafter also remove the defaults on the same day. No further time shall be granted thereafter for that purpose. In view of above, M.C.C. No. 34/2007 stands disposed of. **Sd/-** **Dilip Raosaheb Deshmukh** **Judge**	

(पीछे देखिये)